



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Burley Field Office
15 East 200 South
Burley, Idaho 83318
(208) 677-6641



In Reply Refer To:
3600 (ID220)
IDI-28990-02

April 22, 2009

**Categorical Exclusion Documentation
and
Decision Record**

NEPA No. ID-220-2009-CE-3609

A. Background

BLM Office: Burley Field Office. Lease/Serial/Case File No.: IDI-28990-02

Proposed Action Title/Type: Raft River Highway District (Interstate Feeders/Buddy Ward Pit) Free Use Permit Renewal

Legal Location of Proposed Action: T. 13 South, R. 27 East, Sec. 28, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$

Description of Proposed Action: Authorize a 5-year Free Use Permit (FUP) for the removal of 10,000 cubic yards of gravel. This material is to be used for Cassia County road maintenance within the Raft River Highway District.

B. Land Use Plan Conformance

Land Use Plan Name: Cassia Resource Management Plan (RMP). Date Approved/Amended: January 24, 1985.

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): Management Area 9 – Raft River Valley, Page 32, Required Actions (E) Minerals: “Open to mining and mineral leasing/sale.”

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 F (10): “Disposal of mineral materials, such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas.” The proposed action is to authorize only 10,000 cubic yards over a 5-year period. The site of the disposal is not located in a riparian area.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been

reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply. See attached categorical exclusion review sheet.

D. Decision

I have considered the environmental effects of the proposed action and decided that the Raft River Highway District Free Use Permit be renewed for a 5-year period with the attached Special Stipulations.

E. Appeals

My decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with the Burley Field Manager, 15 East 200 South, Burley Idaho 83318. If a statement of reasons for the appeal is not included with the notice, it must be filed with the IBLA, Office of Hearings and Appeals, U. S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Burley Field Manager.

If an appeal is filed, the appellant may also file a petition for a stay of the effectiveness of this decision during the time that the appeal is being reviewed by the IBLA. The petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Office of the Field Solicitor at the following address: Department of Interior, Boise Field Solicitor's Office, University Plaza, 960 Broadway Avenue, Suite 400, Boise, ID 83706.

F. Signature

Authorizing Official: /s/ Jim Tharp (for) Date: 4/22/2009
Name: Michael Courtney
Title: Field Manager

Contact Person

For additional information concerning this categorical exclusion, contact Valerie Lenhartzen, Geologist, (208) 677-6667, Burley Field Office, 15 East 200 South, Burley, Idaho 83318.